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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF (NC)

**DECLARATION OF SARA E. JENKINS
IN SUPPORT OF ARISTA'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL CONFIDENTIAL
INFORMATION IN ARISTA'S
OPPOSITION TO CISCO'S MOTION
FOR PROTECTIVE ORDER AND
RESPONSE TO REQUEST FROM
COURT (DKT. 411).**

DECLARATION OF SARA E. JENKINS

I, Sara E. Jenkins, declare as follows:

1. I am an attorney licensed to practice in the State of California and am admitted to practice before this Court. I am an associate with the law firm Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Cisco Systems, Inc. ("Cisco"). I have personal knowledge of the matters set forth in this Declaration, and if called as a witness I would testify competently to those matters.

2. I make this declaration in response to this Court's Order (Dkt. 411) regarding sealing motions as follows:

1. **Docket Number 286:** I make this declaration in support of Arista Networks Inc.'s ("Arista") Administrative Motion to Under Seal Confidential Information in connection with Arista's Opposition to Cisco's Motion for Protective Order ("Opposition."). Dkt. 286. I make this declaration in accordance with Civil Local Rule 79-5(e)(1) on behalf of Cisco to confirm that the information contained in the documents referenced in the Sealing Motion should be sealed.

2. **Docket Number 304:** Cisco filed a declaration in support of Arista's Motion to Seal confidential materials filed with Arista's Motion to Strike. This declaration can be found at Docket Number 318.

3. **Docket Number 362:** Cisco does not seek to seal any material associated with Docket Number 362.

3. As an Opposition to a Motion for Protective Order, Arista's Opposition is non-dispositive. Dkt. 286. In this context, materials may be sealed so long as the party seeking sealing makes a "particularized showing" under the "good cause" standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In

1 addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the
2 document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to
3 protection under the law” (*i.e.*, that the document is “sealable”). Civil L.R. 79-5(b). The sealing
4 request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

5 4. Pursuant to Civil L.R. 79-5(e), good cause exists to seal the documents identified in
6 the Sealing Motion, also set forth below, because the information sought to be sealed reflects
7 confidential information that “give[s] [Cisco] an opportunity to obtain an advantage over
8 competitors who do not know or use it.” *In re Elec. Arts, Inc.*, 298 F. App’x 568, 569 (9th Cir.
9 2008) (quoting *Restatement of Torts* § 757, cmt b):

Document	Portions Cisco Supports Being Filed Under Seal
Arista’s Opposition to Cisco’s Motion for Protective Order	Highlighted portions of pages 3-7, 9-10.
Exhibit 2 to the Declaration of Elizabeth K. McCloskey in Support of Arista’s Opposition to Cisco’s Motion for Protective Order	Entire
Exhibit 3 to the Declaration of Elizabeth K. McCloskey in Support of Arista’s Opposition to Cisco’s Motion for Protective Order	Entire
Exhibit 4 to the Declaration of Elizabeth K. McCloskey in Support of Arista’s Opposition to Cisco’s Motion for Protective Order	Entire
Exhibit 5 to the Declaration of Elizabeth K. McCloskey in Support of Arista’s Opposition to Cisco’s Motion for Protective Order	Entire
Exhibit 6 to the Declaration of Elizabeth K. McCloskey in Support of Arista’s Opposition to Cisco’s Motion for Protective Order	Entire
Exhibit 7 to the Declaration of Elizabeth K. McCloskey in Support of Arista’s Opposition to Cisco’s Motion for Protective Order	Entire

Document	Portions Cisco Supports Being Filed Under Seal
Exhibit 8 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 9 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 10 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 11 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 12 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 13 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 14 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 15 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 16 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 17 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 18 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 19 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire

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3

DECLARATION OF SARA E. JENKINS IN SUPPORT OF
ARISTA'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL

Document	Portions Cisco Supports Being Filed Under Seal
Exhibit 20 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 21 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 22 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 23 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 24 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 25 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 26 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 27 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 28 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 30 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 31 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 32 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire

02099-00004/8214823.1

Document	Portions Cisco Supports Being Filed Under Seal
Exhibit 34 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	Entire
Exhibit 35 to the Declaration of Elizabeth K. McCloskey in Support of Arista's Opposition to Cisco's Motion for Protective Order	9:22-24 and Exhibit A

5. Exhibit 2 is an internal Cisco presentation produced by Cisco in ITC Investigation Nos. 337-TA-944 and 337-TA-945 and designated as "Confidential Business Information." Under the Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1, this document is deemed to have been produced in this case as "Highly Confidential – Attorneys' Eyes Only" information. Exhibit 2 comprises Cisco's confidential business information regarding, *inter alia*, Cisco's competitive intelligence and related strategies. Maintaining this information as confidential provides Cisco with an "opportunity to obtain an advantage over competitors" who may compete with Cisco and gather information regarding the same less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this information to Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's competitors to learn of Cisco's strategies for making sales and for gathering information in furtherance of the same, and allowing competitors to in turn adopt and/or counteract Cisco's strategies. This would "harm [Cisco's] competitive standing." *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978).

6. Exhibit 3 is an internal Cisco document produced by Cisco in ITC Investigation Nos. 337-TA-944 and 337-TA-945 and designated as "Confidential Business Information." Under the Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1, this document is deemed to have been produced in this case as "Highly Confidential – Attorneys' Eyes Only" information. Exhibit 3 comprises Cisco's confidential business information regarding, *inter alia*, Cisco's customers, competitive intelligence and related strategies. Maintaining this information as confidential provides Cisco with an "opportunity to obtain an advantage over competitors" who may compete with Cisco and gather information regarding the same less optimally than Cisco.

1 *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this information to Cisco's competitors
2 would harm Cisco's business by, *inter alia*, allowing Cisco's competitors to learn of Cisco's
3 strategies for making sales and for gathering information in furtherance of the same, and allowing
4 competitors to in turn adopt and/or counteract Cisco's strategies. This would "harm [Cisco's]
5 competitive standing." *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978).

6 7. Exhibit 4 is an email thread designated by Cisco as "Highly Confidential –
7 Attorneys' Eyes Only" under the Protective Order. Exhibit 4 comprises Cisco's confidential
8 business information regarding, *inter alia*, Cisco's competitive intelligence and related strategies.
9 Maintaining this information as confidential provides Cisco with an "opportunity to obtain an
10 advantage over competitors" who may compete with Cisco and gather information regarding the
11 same less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this
12 information to Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's
13 competitors to learn of Cisco's strategies for making sales and for gathering information in
14 furtherance of the same, and allowing competitors to in turn adopt and/or counteract Cisco's
15 strategies. This would "harm [Cisco's] competitive standing." *Nixon v. Warner Commc'ns, Inc.*,
16 435 U.S. 589, 598 (1978).

17 8. Exhibit 5 is an email thread designated by Cisco as "Highly Confidential –
18 Attorneys' Eyes Only" under the Protective Order. Exhibit 5 comprises Cisco's confidential
19 business information regarding, *inter alia*, Cisco's competitive intelligence and related strategies.
20 Maintaining this information as confidential provides Cisco with an "opportunity to obtain an
21 advantage over competitors" who may compete with Cisco and gather information regarding the
22 same less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this
23 information to Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's
24 competitors to learn of Cisco's strategies for making sales and for gathering information in
25 furtherance of the same, and allowing competitors to in turn adopt and/or counteract Cisco's
26

1 strategies. This would “harm [Cisco’s] competitive standing.” *Nixon v. Warner Commc’ns, Inc.*,
2 435 U.S. 589, 598 (1978).

3 **9.** Exhibit 6 is an internal Cisco presentation produced by Cisco in ITC Investigation
4 Nos. 337-TA-944 and 337-TA-945 and designated as “Confidential Business Information.” Under
5 the Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1, this document is
6 deemed to have been produced in this case as “Highly Confidential – Attorneys’ Eyes Only”
7 information. Exhibit 6 comprises Cisco’s confidential business information regarding, *inter alia*,
8 Cisco’s competitive intelligence and related strategies. Maintaining this information as
9 confidential provides Cisco with an “opportunity to obtain an advantage over competitors” who
10 may compete with Cisco and gather information regarding the same less optimally than Cisco.
11 *Elec. Arts*, 298 F. App’x at 569. Moreover, disclosing this information to Cisco’s competitors
12 would harm Cisco’s business by, *inter alia*, allowing Cisco’s competitors to learn of Cisco’s
13 strategies for making sales and for gathering information in furtherance of the same, and allowing
14 competitors to in turn adopt and/or counteract Cisco’s strategies. This would “harm [Cisco’s]
15 competitive standing.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978).

16 **10.** Exhibit 7 is an email thread designated by Cisco as “Highly Confidential –
17 Attorneys’ Eyes Only” under the Protective Order. Exhibit 7 comprises Cisco’s confidential
18 business information regarding, *inter alia*, Cisco’s customers, competitive intelligence and related
19 strategies. Maintaining this information as confidential provides Cisco with an “opportunity to
20 obtain an advantage over competitors” who may compete with Cisco and gather information
21 regarding the same less optimally than Cisco. *Elec. Arts*, 298 F. App’x at 569. Moreover,
22 disclosing this information to Cisco’s competitors would harm Cisco’s business by, *inter alia*,
23 allowing Cisco’s competitors to learn of Cisco’s strategies for making sales and for gathering
24 information in furtherance of the same, and allowing competitors to in turn adopt and/or
25 counteract Cisco’s strategies. This would “harm [Cisco’s] competitive standing.” *Nixon v.*
26 *Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978).

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28 DECLARATION OF SARA E. JENKINS IN SUPPORT OF
ARISTA’S ADMINISTRATIVE MOTION TO FILE UNDER SEAL

11. Exhibit 8 is an internal Cisco document produced by Cisco in ITC Investigation Nos. 337-TA-944 and 337-TA-945 and designated as “Confidential Business Information.” Under the Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1, this document is deemed to have been produced in this case as “Highly Confidential – Attorneys’ Eyes Only” information. Exhibit 8 comprises Cisco’s confidential business information regarding, *inter alia*, Cisco’s customers, competitive intelligence and related strategies. Maintaining this information as confidential provides Cisco with an “opportunity to obtain an advantage over competitors” who may compete with Cisco and gather information regarding the same less optimally than Cisco. *Elec. Arts*, 298 F. App’x at 569. Moreover, disclosing this information to Cisco’s competitors would harm Cisco’s business by, *inter alia*, allowing Cisco’s competitors to learn of Cisco’s strategies for making sales and for gathering information in furtherance of the same, and allowing competitors to in turn adopt and/or counteract Cisco’s strategies. This would “harm [Cisco’s] competitive standing.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978).

12. Exhibit 9 is an internal Cisco document produced by Cisco in ITC Investigation Nos. 337-TA-944 and 337-TA-945 and designated as “Confidential Business Information.” Under the Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1, this document is deemed to have been produced in this case as “Highly Confidential – Attorneys’ Eyes Only” information. Exhibit 9 comprises Cisco’s confidential business information regarding, *inter alia*, Cisco’s customers, competitive intelligence and related strategies. Maintaining this information as confidential provides Cisco with an “opportunity to obtain an advantage over competitors” who may compete with Cisco and gather information regarding the same less optimally than Cisco. *Elec. Arts*, 298 F. App’x at 569. Moreover, disclosing this information to Cisco’s competitors would harm Cisco’s business by, *inter alia*, allowing Cisco’s competitors to learn of Cisco’s strategies for making sales and for gathering information in furtherance of the same, and allowing competitors to in turn adopt and/or counteract Cisco’s strategies. This would “harm [Cisco’s] competitive standing.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978).

1 **13.** Exhibit 10 is an internal Cisco document produced by Cisco and designated as
 2 “Highly Confidential – Attorneys’ Eyes Only.” Exhibit 10 comprises Cisco’s confidential
 3 business information regarding, *inter alia*, Cisco’s customers, competitive intelligence and related
 4 strategies. Maintaining this information as confidential provides Cisco with an “opportunity to
 5 obtain an advantage over competitors” who may compete with Cisco and gather information
 6 regarding the same less optimally than Cisco. *Elec. Arts*, 298 F. App’x at 569. Moreover,
 7 disclosing this information to Cisco’s competitors would harm Cisco’s business by, *inter alia*,
 8 allowing Cisco’s competitors to learn of Cisco’s strategies for making sales and for gathering
 9 information in furtherance of the same, and allowing competitors to in turn adopt and/or
 10 counteract Cisco’s strategies. This would “harm [Cisco’s] competitive standing.” *Nixon v.*
 11 *Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978).

12 **14.** Exhibit 11 is an internal Cisco document produced by Cisco in ITC Investigation
 13 Nos. 337-TA-944 and 337-TA-945 and designated as “Confidential Business Information.” Under
 14 the Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1, this document is
 15 deemed to have been produced in this case as “Highly Confidential – Attorneys’ Eyes Only.”
 16 Exhibit 11 comprises Cisco’s confidential business information regarding, *inter alia*, Cisco’s
 17 customers, competitive intelligence and related strategies. Maintaining this information as
 18 confidential provides Cisco with an “opportunity to obtain an advantage over competitors” who
 19 may compete with Cisco and gather information regarding the same less optimally than Cisco.
 20 *Elec. Arts*, 298 F. App’x at 569. Moreover, disclosing this information to Cisco’s competitors
 21 would harm Cisco’s business by, *inter alia*, allowing Cisco’s competitors to learn of Cisco’s
 22 strategies for making sales and for gathering information in furtherance of the same, and allowing
 23 competitors to in turn adopt and/or counteract Cisco’s strategies. This would “harm [Cisco’s]
 24 competitive standing.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978).

25 **15.** Exhibit 12 is an internal Cisco document produced by Cisco in ITC Investigation
 26 Nos. 337-TA-944 and 337-TA-945 and designated as “Confidential Business Information.” Under

1 the Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1, this document is
2 deemed to have been produced in this case as “Highly Confidential – Attorneys’ Eyes Only.”
3 Exhibit 12 comprises Cisco’s confidential business information regarding, *inter alia*, Cisco’s
4 customers, competitive intelligence and related strategies. Maintaining this information as
5 confidential provides Cisco with an “opportunity to obtain an advantage over competitors” who
6 may compete with Cisco and gather information regarding the same less optimally than Cisco.
7 *Elec. Arts*, 298 F. App’x at 569. Moreover, disclosing this information to Cisco’s competitors
8 would harm Cisco’s business by, *inter alia*, allowing Cisco’s competitors to learn of Cisco’s
9 strategies for making sales and for gathering information in furtherance of the same, and allowing
10 competitors to in turn adopt and/or counteract Cisco’s strategies. This would “harm [Cisco’s]
11 competitive standing.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978).

12 **16.** Exhibit 13 is an email thread produced by Cisco in ITC Investigation Nos. 337-TA-
13 944 and 337-TA-945 and designated as “Confidential Business Information.” Under the
14 Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1, this document is deemed to
15 have been produced in this case as “Highly Confidential – Attorneys’ Eyes Only.” Exhibit 13
16 comprises Cisco’s confidential business information regarding, *inter alia*, Cisco’s customers and
17 competitive strategies. Maintaining this information as confidential provides Cisco with an
18 “opportunity to obtain an advantage over competitors” who may compete with Cisco and gather
19 information regarding the same less optimally than Cisco. *Elec. Arts*, 298 F. App’x at 569.
20 Moreover, disclosing this information to Cisco’s competitors would harm Cisco’s business by,
21 *inter alia*, allowing Cisco’s competitors to learn of Cisco’s strategies for making sales and for
22 gathering information in furtherance of the same, and allowing competitors to in turn adopt and/or
23 counteract Cisco’s strategies. This would “harm [Cisco’s] competitive standing.” *Nixon v.*
24 *Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978).

25 **17.** Exhibit 14 is an internal Cisco document produced by Cisco in ITC Investigation
26 Nos. 337-TA-944 and 337-TA-945 and designated as “Confidential Business Information.” Under

1 the Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1, this document is
2 deemed to have been produced in this case as “Highly Confidential – Attorneys’ Eyes Only.”
3 Exhibit 14 comprises Cisco’s confidential business information regarding, *inter alia*, Cisco’s
4 customers, competitive intelligence and related strategies. Maintaining this information as
5 confidential provides Cisco with an “opportunity to obtain an advantage over competitors” who
6 may compete with Cisco and gather information regarding the same less optimally than Cisco.
7 *Elec. Arts*, 298 F. App’x at 569. Moreover, disclosing this information to Cisco’s competitors
8 would harm Cisco’s business by, *inter alia*, allowing Cisco’s competitors to learn of Cisco’s
9 strategies for making sales and for gathering information in furtherance of the same, and allowing
10 competitors to in turn adopt and/or counteract Cisco’s strategies. This would “harm [Cisco’s]
11 competitive standing.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978).

12 **18.** Exhibit 15 is an email thread designated by Cisco as “Highly Confidential –
13 Attorneys’ Eyes Only” under the Protective Order. Exhibit 15 comprises Cisco’s confidential
14 business information regarding, *inter alia*, Cisco’s customers, competitive intelligence, and related
15 strategies. Maintaining this information as confidential provides Cisco with an “opportunity to
16 obtain an advantage over competitors” who may compete with Cisco and gather information
17 regarding the same less optimally than Cisco. *Elec. Arts*, 298 F. App’x at 569. Moreover,
18 disclosing this information to Cisco’s competitors would harm Cisco’s business by, *inter alia*,
19 allowing Cisco’s competitors to learn of Cisco’s strategies for making sales and for gathering
20 information in furtherance of the same, and allowing competitors to in turn adopt and/or
21 counteract Cisco’s strategies. This would “harm [Cisco’s] competitive standing.” *Nixon v.*
22 *Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978).

23 **19.** Exhibit 16 is an email thread designated by Cisco as “Highly Confidential –
24 Attorneys’ Eyes Only” under the Protective Order. Exhibit 16 comprises Cisco’s confidential
25 business information regarding, *inter alia*, Cisco’s customers, competitive intelligence, and related
26 strategies. Maintaining this information as confidential provides Cisco with an “opportunity to

1 obtain an advantage over competitors” who may compete with Cisco and gather information
2 regarding the same less optimally than Cisco. *Elec. Arts*, 298 F. App’x at 569. Moreover,
3 disclosing this information to Cisco’s competitors would harm Cisco’s business by, *inter alia*,
4 allowing Cisco’s competitors to learn of Cisco’s strategies for making sales and for gathering
5 information in furtherance of the same, and allowing competitors to in turn adopt and/or
6 counteract Cisco’s strategies. This would “harm [Cisco’s] competitive standing.” *Nixon v.*
7 *Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)

8 **20.** Exhibit 17 is an email thread produced by Cisco in ITC Investigation Nos. 337-TA-
9 944 and 337-TA-945 and designated as “Confidential Business Information.” Under the
10 Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1, this document is deemed to
11 have been produced in this case as “Highly Confidential – Attorneys’ Eyes Only.” Exhibit 17
12 comprises Cisco’s confidential business information regarding, *inter alia*, Cisco’s customers and
13 competitive strategies. Maintaining this information as confidential provides Cisco with an
14 “opportunity to obtain an advantage over competitors” who may compete with Cisco and gather
15 information regarding the same less optimally than Cisco. *Elec. Arts*, 298 F. App’x at 569.
16 Moreover, disclosing this information to Cisco’s competitors would harm Cisco’s business by,
17 *inter alia*, allowing Cisco’s competitors to learn of Cisco’s strategies for making sales and for
18 gathering information in furtherance of the same, and allowing competitors to in turn adopt and/or
19 counteract Cisco’s strategies. This would “harm [Cisco’s] competitive standing.” *Nixon v.*
20 *Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978).

21 **21.** Exhibit 18 is an email thread produced by Cisco in ITC Investigation Nos. 337-TA-
22 944 and 337-TA-945 and designated as “Confidential Business Information.” Under the
23 Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1, this document is deemed to
24 have been produced in this case as “Highly Confidential – Attorneys’ Eyes Only.” Exhibit 18
25 comprises Cisco’s confidential business information regarding, *inter alia*, Cisco’s customers and
26 competitive strategies. Maintaining this information as confidential provides Cisco with an

1 “opportunity to obtain an advantage over competitors” who may compete with Cisco and gather
2 information regarding the same less optimally than Cisco. *Elec. Arts*, 298 F. App’x at 569.
3 Moreover, disclosing this information to Cisco’s competitors would harm Cisco’s business by,
4 *inter alia*, allowing Cisco’s competitors to learn of Cisco’s strategies for making sales and for
5 gathering information in furtherance of the same, and allowing competitors to in turn adopt and/or
6 counteract Cisco’s strategies. This would “harm [Cisco’s] competitive standing.” *Nixon v.*
7 *Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978).

8 **22.** Exhibit 19 is an internal Cisco document produced by Cisco in ITC Investigation
9 Nos. 337-TA-944 and 337-TA-945 and designated as “Confidential Business Information.” Under
10 the Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1, this document is
11 deemed to have been produced in this case as “Highly Confidential – Attorneys’ Eyes Only.”
12 Exhibit 19 comprises Cisco’s confidential business information regarding, *inter alia*, Cisco’s
13 customers, competitive intelligence and related strategies. Maintaining this information as
14 confidential provides Cisco with an “opportunity to obtain an advantage over competitors” who
15 may compete with Cisco and gather information regarding the same less optimally than Cisco.
16 *Elec. Arts*, 298 F. App’x at 569. Moreover, disclosing this information to Cisco’s competitors
17 would harm Cisco’s business by, *inter alia*, allowing Cisco’s competitors to learn of Cisco’s
18 strategies for making sales and for gathering information in furtherance of the same, and allowing
19 competitors to in turn adopt and/or counteract Cisco’s strategies. This would “harm [Cisco’s]
20 competitive standing.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978).

21 **23.** Exhibit 20 is an email thread designated by Cisco as “Highly Confidential –
22 Attorneys’ Eyes Only” under the Protective Order. Exhibit 20 comprises Cisco’s confidential
23 business information regarding, *inter alia*, Cisco’s customers, competitive intelligence, and related
24 strategies. Maintaining this information as confidential provides Cisco with an “opportunity to
25 obtain an advantage over competitors” who may compete with Cisco and gather information
26 regarding the same less optimally than Cisco. *Elec. Arts*, 298 F. App’x at 569. Moreover,

1 disclosing this information to Cisco's competitors would harm Cisco's business by, *inter alia*,
2 allowing Cisco's competitors to learn of Cisco's strategies for making sales and for gathering
3 information in furtherance of the same, and allowing competitors to in turn adopt and/or
4 counteract Cisco's strategies. This would "harm [Cisco's] competitive standing." *Nixon v.*
5 *Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978).

6 **24.** Exhibit 21 is an email thread designated by Cisco as "Highly Confidential –
7 Attorneys' Eyes Only" under the Protective Order. Exhibit 21 comprises Cisco's confidential
8 business information regarding, *inter alia*, Cisco's competitive intelligence and related strategies.
9 Maintaining this information as confidential provides Cisco with an "opportunity to obtain an
10 advantage over competitors" who may compete with Cisco and gather information regarding the
11 same less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this
12 information to Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's
13 competitors to learn of Cisco's strategies for making sales and for gathering information in
14 furtherance of the same, and allowing competitors to in turn adopt and/or counteract Cisco's
15 strategies. This would "harm [Cisco's] competitive standing." *Nixon v. Warner Commc'ns, Inc.*,
16 435 U.S. 589, 598 (1978).

17 **25.** Exhibit 22 is an email thread designated by Cisco as "Highly Confidential –
18 Attorneys' Eyes Only" under the Protective Order. Exhibit 22 comprises Cisco's confidential
19 business information regarding, *inter alia*, Cisco's customers, competitive intelligence, and related
20 strategies. Maintaining this information as confidential provides Cisco with an "opportunity to
21 obtain an advantage over competitors" who may compete with Cisco and gather information
22 regarding the same less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover,
23 disclosing this information to Cisco's competitors would harm Cisco's business by, *inter alia*,
24 allowing Cisco's competitors to learn of Cisco's strategies for making sales and for gathering
25 information in furtherance of the same, and allowing competitors to in turn adopt and/or

1 counteract Cisco's strategies. This would "harm [Cisco's] competitive standing." *Nixon v.*
2 *Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978).

3 **26.** Exhibit 23 is an email thread designated by Cisco as "Highly Confidential –
4 Attorneys' Eyes Only" under the Protective Order. Exhibit 23 comprises Cisco's confidential
5 business information regarding, *inter alia*, Cisco's competitive intelligence and related strategies.
6 Maintaining this information as confidential provides Cisco with an "opportunity to obtain an
7 advantage over competitors" who may compete with Cisco and gather information regarding the
8 same less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this
9 information to Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's
10 competitors to learn of Cisco's strategies for making sales and for gathering information in
11 furtherance of the same, and allowing competitors to in turn adopt and/or counteract Cisco's
12 strategies. This would "harm [Cisco's] competitive standing." *Nixon v. Warner Commc'ns, Inc.*,
13 435 U.S. 589, 598 (1978).

14 **27.** Exhibit 24 is an email thread designated by Cisco as "Highly Confidential –
15 Attorneys' Eyes Only" under the Protective Order. Exhibit 24 comprises Cisco's confidential
16 business information regarding, *inter alia*, Cisco's competitive intelligence and related strategies.
17 Maintaining this information as confidential provides Cisco with an "opportunity to obtain an
18 advantage over competitors" who may compete with Cisco and gather information regarding the
19 same less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this
20 information to Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's
21 competitors to learn of Cisco's strategies for making sales and for gathering information in
22 furtherance of the same, and allowing competitors to in turn adopt and/or counteract Cisco's
23 strategies. This would "harm [Cisco's] competitive standing." *Nixon v. Warner Commc'ns, Inc.*,
24 435 U.S. 589, 598 (1978).

25 **28.** Exhibit 25 is an email thread designated by Cisco as "Highly Confidential –
26 Attorneys' Eyes Only" under the Protective Order. Exhibit 25 comprises Cisco's confidential

1 business information regarding, *inter alia*, Cisco's competitive intelligence and related strategies.
2 Maintaining this information as confidential provides Cisco with an "opportunity to obtain an
3 advantage over competitors" who may compete with Cisco and gather information regarding the
4 same less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this
5 information to Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's
6 competitors to learn of Cisco's strategies for making sales and for gathering information in
7 furtherance of the same, and allowing competitors to in turn adopt and/or counteract Cisco's
8 strategies. This would "harm [Cisco's] competitive standing." *Nixon v. Warner Commc'ns, Inc.*,
9 435 U.S. 589, 598 (1978).

10 **29.** Exhibit 26 is an email designated by Cisco as "Highly Confidential – Attorneys'
11 Eyes Only" under the Protective Order. Exhibit 26 comprises Cisco's confidential business
12 information regarding, *inter alia*, Cisco's competitive intelligence and related strategies.
13 Maintaining this information as confidential provides Cisco with an "opportunity to obtain an
14 advantage over competitors" who may compete with Cisco and gather information regarding the
15 same less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this
16 information to Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's
17 competitors to learn of Cisco's strategies for making sales and for gathering information in
18 furtherance of the same, and allowing competitors to in turn adopt and/or counteract Cisco's
19 strategies. This would "harm [Cisco's] competitive standing." *Nixon v. Warner Commc'ns, Inc.*,
20 435 U.S. 589, 598 (1978).

21 **30.** Exhibit 27 is an email thread designated by Cisco as "Highly Confidential –
22 Attorneys' Eyes Only" under the Protective Order. Exhibit 27 comprises Cisco's confidential
23 business information regarding, *inter alia*, Cisco's competitive intelligence and related strategies.
24 Maintaining this information as confidential provides Cisco with an "opportunity to obtain an
25 advantage over competitors" who may compete with Cisco and gather information regarding the
26 same less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this

1 information to Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's
2 competitors to learn of Cisco's strategies for making sales and for gathering information in
3 furtherance of the same, and allowing competitors to in turn adopt and/or counteract Cisco's
4 strategies. This would "harm [Cisco's] competitive standing." *Nixon v. Warner Commc'ns, Inc.*,
5 435 U.S. 589, 598 (1978).

6 **31.** Exhibit 28 is a copy of an excerpt of the deposition transcript of Soni Jiandani,
7 dated April 29, 2016, which has been designated as "Highly Confidential – Attorneys' Eyes Only"
8 information under the Protective Order in this matter. Exhibit 28 comprises Cisco's confidential
9 business information regarding, *inter alia*, Cisco's competitive intelligence and related strategies.
10 Maintaining this information as confidential provides Cisco with an "opportunity to obtain an
11 advantage over competitors" who may compete with Cisco and gather information regarding the
12 same less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this
13 information to Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's
14 competitors to learn of Cisco's strategies for making sales and for gathering information in
15 furtherance of the same, and allowing competitors to in turn adopt and/or counteract Cisco's
16 strategies. This would "harm [Cisco's] competitive standing." *Nixon v. Warner Commc'ns, Inc.*,
17 435 U.S. 589, 598 (1978).

18 **32.** Exhibit 30 is an email thread designated by Cisco as "Highly Confidential –
19 Attorneys' Eyes Only" under the Protective Order. Exhibit 30 comprises Cisco's confidential
20 business information regarding, *inter alia*, Cisco's customers, competitive intelligence, and related
21 strategies. Maintaining this information as confidential provides Cisco with an "opportunity to
22 obtain an advantage over competitors" who may compete with Cisco and gather information
23 regarding the same less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover,
24 disclosing this information to Cisco's competitors would harm Cisco's business by, *inter alia*,
25 allowing Cisco's competitors to learn of Cisco's strategies for making sales and for gathering
26 information in furtherance of the same, and allowing competitors to in turn adopt and/or

1 counteract Cisco's strategies. This would "harm [Cisco's] competitive standing." *Nixon v.*
2 *Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978).

3 **33.** Exhibit 31 is a copy of an excerpt of the deposition transcript of Drew Pletcher,
4 dated May 26, 2016, which has been designated as "Highly Confidential – Attorneys' Eyes Only"
5 information under the Protective Order in this matter. Exhibit 31 comprises Cisco's confidential
6 business information regarding, *inter alia*, Cisco's competitive intelligence and related strategies.
7 Maintaining this information as confidential provides Cisco with an "opportunity to obtain an
8 advantage over competitors" who may compete with Cisco and gather information regarding the
9 same less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this
10 information to Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's
11 competitors to learn of Cisco's strategies for making sales and for gathering information in
12 furtherance of the same, and allowing competitors to in turn adopt and/or counteract Cisco's
13 strategies. This would "harm [Cisco's] competitive standing." *Nixon v. Warner Commc'ns, Inc.*,
14 435 U.S. 589, 598 (1978).

15 **34.** Exhibit 32 is a copy of an excerpt of the deposition transcript of Doug Gourlay,
16 dated May 20, 2016, which has been designated as "Highly Confidential – Attorneys' Eyes Only"
17 information" under the Protective Order in this matter. Exhibit 31 comprises Cisco's confidential
18 business information regarding, *inter alia*, Cisco's competitive intelligence and related strategies.
19 Maintaining this information as confidential provides Cisco with an "opportunity to obtain an
20 advantage over competitors" who may compete with Cisco and gather information regarding the
21 same less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this
22 information to Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's
23 competitors to learn of Cisco's strategies for making sales and for gathering information in
24 furtherance of the same, and allowing competitors to in turn adopt and/or counteract Cisco's
25 strategies. This would "harm [Cisco's] competitive standing." *Nixon v. Warner Commc'ns, Inc.*,
26 435 U.S. 589, 598 (1978).

1 **35.** Exhibit 34 is an email thread designated by Cisco as “Highly Confidential –
 2 Attorneys’ Eyes Only” under the Protective Order. Exhibit 34 comprises Cisco’s confidential
 3 business information regarding, *inter alia*, Cisco’s customers, competitive intelligence, and related
 4 strategies. Maintaining this information as confidential provides Cisco with an “opportunity to
 5 obtain an advantage over competitors” who may compete with Cisco and gather information
 6 regarding the same less optimally than Cisco. *Elec. Arts*, 298 F. App’x at 569. Moreover,
 7 disclosing this information to Cisco’s competitors would harm Cisco’s business by, *inter alia*,
 8 allowing Cisco’s competitors to learn of Cisco’s strategies for making sales and for gathering
 9 information in furtherance of the same, and allowing competitors to in turn adopt and/or
 10 counteract Cisco’s strategies. This would “harm [Cisco’s] competitive standing.” *Nixon v.*
 11 *Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978).

12 **36.** Exhibit 35 is a copy of Cisco’s Supplemental Objections and Responses to
 13 Defendant Arista Network’s Interrogatory No. 15, served on June 7, 2016. The specified portions
 14 of exhibit 35 were designated by Cisco as “Highly Confidential – Attorneys’ Eyes Only” under the
 15 Protective Order. The specified portions of Exhibit 35 comprise Cisco’s confidential customer
 16 information. Maintaining this information as confidential provides Cisco with an “opportunity to
 17 obtain an advantage over competitors” who may compete with Cisco and use this information to
 18 attempt to target Cisco’s customers. Moreover, disclosing this information to Cisco’s competitors
 19 would harm Cisco’s business by, *inter alia*, allowing Cisco’s competitors to learn of Cisco’s
 20 strategies for making sales and for gathering information in furtherance of the same, and allowing
 21 competitors to in turn adopt and/or counteract Cisco’s strategies. This would “harm [Cisco’s]
 22 competitive standing.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978).

23 **37.** The highlighted portions of Arista’s Opposition quote and discuss Cisco’s
 24 confidential information from Exhibits detailed above regarding Cisco’s customers and
 25 competitive strategies. Thus, these portions of Arista’s Opposition similarly comprise Cisco’s
 26 confidential business information, the confidentiality of which provides Cisco an “opportunity to

1 obtain an advantage over competitors,” and which would harm Cisco’s business if disclosed to
2 Cisco’s competitors. *Elec. Arts*, 298 F. App’x at 569

3
4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct, and that this declaration was executed in Redwood Shores,
6 California, on August 4, 2016.

7
8 /s/ Sara E. Jenkins
Sara E. Jenkins